

REMARKS

Claims 1-8 were previously withdrawn. Claims 9-17 are canceled herein. Claims 18 through 29 have been added. Claims 18-29 remain in the application. The specification has been amended to correct minor errors. No new matter has been added. Reexamination and reconsideration of the application as amended are respectfully requested. The Examiner's comments are shown in bold.

Claim Rejections - 35 USC § 102

Claims 9, 10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler (US Patent No, 5,443,265)

The Applicant has canceled Claims 9, 10, 12, and 14. However, elements of Claims 9 and 10 are recited in new Claims 18, 22, 24, 25, and 26 which are discussed below.

Claims 9, 10, 13, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dionne et al (US Patent No, 5,645,494)

The Applicant has canceled Claims 9, 10, 13, 14, and 15. However, elements of Claims 9, 10, and 15 are recited in new Claims 18, 20, 22, 24, 25, 26, and 29 which are discussed below.

Claim Rejections - 35 USC § 103

Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being clearly unpatentable over Dionne or Wheeler in view of Rydeck (US Patent No. 4,355,810)

The Applicant has canceled Claims 11, and 16. However, elements of Claims 11 and 16 are recited in new Claims 18, 19, 22, 24, 26, 28, and 29 which are discussed below.

Claim 17 is rejected under 35 U.S.C. 103(a) as being clearly unpatentable over the references as applied to claims 9, 11, and 16 above, and further in view of Gettemeier et al. (US Patent No. 4,989,880)

The Applicant has canceled Claim 17. However, elements of Claim 17 are recited in new Claims 18, 19, 21, 24, 25, and 29 which are discussed below.

Regarding New Claim 18:

New Claim 18 recites the following limitations:

- said flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber;*
- said flexible sheet having a thickness of no greater than one sixteenth of an inch, so that when said practice putting pad is placed upon a support surface and a golf ball is placed upon said practice putting pad and struck with the putter so that the golf ball leaves said practice putting pad, a path of the golf ball will not be altered as the golf ball leaves said practice putting pad.*

The specific construction of the pad of the present invention as recited above provides the following advantages:

- the soft polyester fabric is an ideal putting surface, is durable, and can be cleaned with a damp cloth;
- the layer of open cell rubber serves as a friction enhancer when the pad is placed upon a support surface, and further is resilient so that when unrolled the pad will always assume a flat configuration
- the thickness of no greater than one sixteenth of an inch ensures that when a golf ball is putted from the pad onto a support surface (such as a golf course putting green) the path of the ball will not change do to an abrupt drop from the pad to the support surface (refer also to Claim 28).
- the thickness of no greater than on sixteenth of an inch also allows the pad to be rolled into a cylinder having a diameter no greater than one and one half inches, making for convenient storage and packaging of the pad (refer also to Claims 19, 24, and 29).

None of the cited prior art references teach or suggest the above cited limitations.

Wheeler broadly discloses a mat “made of any type of thin material”, but certainly does not teach or suggest *a flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber*. Nor does Wheeler teach or suggest *a thickness of no greater than one sixteenth of an inch*. Dionne teaches a mat having multiple layers one of which is Astroturf. Dionne does not teach or suggest *a flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber*, nor *a thickness of no greater than one sixteenth of an inch*. The multiple layers of Dionne would necessarily have to comprise a thickness greater than one sixteenth of an inch in order to serve the mat’s intended purpose. Additionally, the Dionne invention is not a putting aid but rather a swinging aid for golf clubs other than a putter.

Similarly, Rydek neither teaches or suggests *a flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber*, nor *a thickness of no greater than one sixteenth of an inch*. As in Dionne, the Rydek mat includes Astroturf which would have to be greater than one sixteenth of an inch thick in order to accomplish the intended function of the device. Also, Gettemeier et al. while teaching a device which may be rolled up, does not teach or suggest *a flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber*, nor *a thickness of no greater than one sixteenth of an inch*. Also, Gettemeier was cited in a 103 rejection. As such, the Applicant submits that Gettemeier does not qualify as “analogous art”. Two criteria are pertinent in determining whether prior art is analogous: (1) whether the prior art is within the same “field of endeavor” as the claimed invention, and (2) if the prior art is still “reasonably pertinent” to the particular problem which the inventor attempted to solve. The Applicant submits that Gettemeier satisfies neither of the necessary criteria.

Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 18 distinguishes from all of the cited prior art references and should be allowable.

Regarding New Claim 19:

New Claim 19 recites the following limitation:

-said practice putting pad rollable along said longitudinal axis into a cylindrical shape having a diameter no greater than one and one half inches.

This feature of the present invention allows the pad to be rolled up into a small cylinder thereby enhancing its packaging and storage. The small diameter is made possible by the 1/16 inch thickness of the pad.

None of the cited prior art references teach or suggest the one and one-half inch limitation recited in new Claim 19. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 19 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 19 depends from allowable Claim 18 and is therefore allowable.

Regarding New Claim 20:

New Claim 20 recites the following limitation:

-when unrolled from said cylindrical shape, said practice putting pad will lay flat upon a support surface.

None of the cited references teach this limitation. The 1/16 inch thick soft polyester fabric backed with a layer of open cell rubber of the present invention possesses a unique property. The fabric/rubber combination will always roll out flat when released from a rolled up configuration. This feature is a result of both the fabric/rubber combination and the 1/16 inch thickness. Other materials currently on the market such as mat material, turf, carpet, etc. exhibit a “mechanical memory”. That is, when released from being rolled up the material will not lay flat on a support surface, but rather will have curls, lumps, and bumps.

None of the cited prior art references teach or suggest the limitation recited in new Claim 20. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 20 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 20 depends from allowable Claims 18 and 19 and is therefore allowable.

Regarding New Claim 21:

New Claim 21 recites the following limitation:

-said putter toe line spaced apart from said putter heel line by about the length of the putter head, so that when the head of the putter is placed upon said practice putting pad with the face perpendicular to said longitudinal axis, the toe of the putter resides upon the putter toe line and the heel of the putter resides upon the putter heel line.

As may be seen in FIGs. 5-7 of the application, the toe 602 of putter 600 resides upon putter toe line 32, and the heel 604 of putter 600 resides upon putter heel line 34. This feature of the present invention provides the user with a useful reference so that the face 606 of the putter 600 may be properly positioned perpendicular to the intended line of flight of the golf ball throughout the entire putting stroke.

None of the cited prior art references teach or suggest the above cited limitation. Wheeler does show a putter, however the length of the putter head in Wheeler is clearly greater than the width of the Wheeler device, and therefore the toe and heel of the putter would fall completely outside the boundaries of the mat. Therefore Wheeler clearly teaches away from the limitation of Claim 21.

None of the cited prior art references teach or suggest the limitation recited in new Claim 21. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 21 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 21 depends from allowable Claim 18 and is therefore allowable.

Regarding New Claim 22:

New Claim 22 recites the following limitations:

-said putter toe line having an outside boundary;
-said putter heel line having an outside boundary; and,
-a perpendicular distance between said outside boundary of said putter toe line and said outside boundary of said putter heel line being about five inches.

The Applicant performed research to establish the proper spacing between the putter toe and heel lines. The Applicant measured the toe to heel length of numerous putters and found that a spacing of about 5 inches between the toe and heel lines is sufficient to ensure that the toe of the putter will reside upon the toe line and the heel of the putter will reside upon the heel line.

None of the cited prior art references teach or suggest the limitation recited in new Claim 22. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 22 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 22 depends from allowable Claims 18 and 21 and is therefore allowable.

Regarding New Claim 23:

New Claim 23 recites the following limitation:

-said putter toe line and said putter heel line being about one quarter of an inch wide.

The one quarter inch width of the putter toe and heel lines is important to ensure that the toe and heel of putters having various head lengths will all reside upon the toe and heel lines. Thinner toe and heel lines would not achieve this goal.

None of the prior art references teach or suggest lines of having a width of about one quarter inch. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 23 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 23 depends from allowable Claims 18, 21, and 22 and is therefore allowable.

Regarding New Claim 24:

New Claim 24 recites all of the limitations of Claims 19-23 and as such should be allowable for all of the reasons cited above for those claims.

None of the prior art references teach or suggest the limitations of Claim 24. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 24 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 24 depends from allowable Claim 18 and is therefore allowable.

Regarding New Claim 25:

New Claim 25 recites the following limitations of Claim 21 and as such should be allowable for the reasons cited above for that claim.

-said putter toe line spaced apart from said putter heel line by about the length of the putter head, so that when the head of the putter is placed upon said practice putting pad with the face perpendicular to said longitudinal axis, the toe of the putter resides upon the putter toe line and the heel of the putter resides upon the putter heel line.

None of the prior art references teach or suggest the limitations of Claim 25. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 25 distinguishes from all of the cited prior art references and should be allowable.

Regarding New Claim 26:

New Claim 26 recites the following limitations of Claim 22 and as such should be allowable for the reasons cited above for that claim:

*-said putter toe line having an outside boundary;
-said putter heel line having an outside boundary; and,
-a perpendicular distance between said outside boundary of said putter toe line and said outside boundary of said putter heel line being about five inches.*

None of the prior art references teach or suggest the limitations of Claim 26. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 26 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 26 depends from allowable Claim 25 and is therefore allowable.

Regarding New Claim 27:

New Claim 27 recites the following limitation of Claim 23 and as such should be allowable for the reasons cited above for that claim:

-said putter toe line and said putter heel line being about one quarter of an inch wide.

None of the prior art references teach or suggest the limitations of Claim 27. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 27

distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 27 depends from allowable Claims 25 and 26 and is therefore allowable.

Regarding New Claim 28:

New Claim 28 recites the following limitation of Claim 18 and as such should be allowable for the reasons cited above for that claim:

-said flexible sheet fabricated from a layer of soft polyester fabric backed with a layer of open cell rubber;

-said flexible sheet having a thickness of no greater than one sixteenth of an inch, so that when said practice putting pad is placed upon a support surface and a golf ball is placed upon said practice putting pad and struck with the putter so that the golf ball leaves said practice putting pad, a path of the golf ball will not be altered as the golf ball leaves said practice putting pad.

None of the prior art references teach or suggest the limitations of Claim 28. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 28 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 28 depends from allowable Claim 25 and is therefore allowable.

Regarding New Claim 29:

New Claim 29 recites the following limitations of Claims 19 and 20 and as such should be allowable for the reasons cited above for that claim:

*-said practice putting pad rollable along said longitudinal axis into a cylindrical shape having a diameter no greater than one and one half inches; and
when unrolled from said cylindrical shape, said practice putting pad will lay flat upon a support surface;*

None of the prior art references teach or suggest the limitations of Claim 29. Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 29 distinguishes from all of the cited prior art references and should be allowable. Additionally, Claim 29 depends from allowable Claims 28 and 25 and is therefore allowable.

The Applicant honestly believes that the structure of the present invention differs substantially from that of the cited prior art. In this amendment the Applicant has attempted to add claim limitations which recite these structural differences. However, it is not always possible to present those limitations in a manner acceptable to the Examiner. Therefore, the Applicant would also appreciate any comments by the Examiner as to what specific claim language could be utilized to distinguish the claimed invention from the prior art.

Form PTO-948 was not included in the Office Action, therefore the Applicant assumes that the drawings are acceptable.

In view of the above, Applicant respectfully requests allowance of all the claims remaining in the application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ted Masters", is positioned above the typed name and address.

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